

REMARKS

A Request for an Extension of Time and the appropriate fee are attached hereto.

The Office Action raised issues with regards to 35 U.S.C. § 112 on Claims 5, 6, 7 and 19. It is believed that the amendment to the claims not only avoids new matter, but also addresses the indefiniteness issue raised in the Office Action.

The Office Action maintained a rejection of Claims 5-9, 10, 19 and 20 over the *Piotrovsky* (U.S. Patent No. 4,470,784) in view of the *Takara* (Japanese Laid-open Application 62-071616).

Applicant provided an additional translation of the *Takara Co. Ltd.* reference, which is the assignee of the present application. The Office Action did not address any of the arguments relative to the teaching set forth and distinguished over specific claim features in our previous amendment. Rather, the Office Action simply stated that *Takara* taught a method of molding an arm and that it would be obvious to use that method on the doll leg of the *Piotrovsky* reference. Applicant respectfully traverses this position, and if the present claims are not held to be allowable, would request that a specific reference be provided or cited for each of the features of the present invention as set forth in the claims, including holding a core member, not only intermediate the molding spaces, but also at a support rod position within a molding space adjacent an engagement groove.

The *Piotrovsky* reference does not teach a non-movable spacer member that melts and becomes integral as disclosed. It is clear that the *Piotrovsky* reference simply teaches a pin that is to be pressure driven and retracted within a cylinder. Applicant requests that the specific manner in which the molding and collapsing of the pins taught in the *Piotrovsky* reference be

reviewed such as disclosed on Column 3, Lines 23-39, and in this manner, it is clear that there is no teaching that the pins 64 are designed to melt and become integral with the molten material.

The present claims more than adequately distinguish over any of the cited combination of references and define specific features that are neither taught nor suggested. It would appear that hindsight has been used to supplement and construct a hypothetical teaching reference to support the present rejection.

It is requested that the directions of the Federal Circuit Court in the case of *In re Anita Dembiczak*, 50 U.S.P.Q. 2d, 1614, 1617 (Fed. Cir. 1999), be carefully adhered to in reviewing our presently pending claims.

Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 UPSQ 303, 313 (Fed.Cir. 1983). Close adherence to this methodology is especially important in the case of less technologically complex inventions, where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *Id.*

The *Piotrovsky* reference teaches an insert 30 held on a mold assembly 84 at an upper end 34 through a locating pin 104, and at the lower end 48, the insert is held through the core pin 98 while the pin assemblies are disposed on the mid-portion of the insert 30. The insert is not made of metal, but instead made of an acetal resin or the like. Thus, the insert 30 in the pin assemblies 56 are clearly different from the metal core and spacer of the present invention in both arrangement and the manner of its support.

The mold positioning 10 and 46 of the insert 30 extends through the molded skin 32 at the sole of the doll foot. This tab 46 is subsequently removed by breaking the weakened section 54 which will result in a hole being left in the sole of the doll foot. Certainly such a construction is not desirable for a doll arm as disclosed in the technical background of the specification of our present invention.

Additionally, our arrangement of a pair of molding surfaces with a holding apparatus for securing the metal core between the molding surfaces provides additional support against the injection pressures that could dislocate the core in each of the respective molding spaces. Therefore, the arrangement of our pair of molding spaces and the method in which we mold a pair of arms at one time cannot be regarded as a mere duplication of individual molding spaces per se.

In the method of molding arms for an elastic doll, we provide not only a pair of molding spaces, but a single metal core having a respective spacer of a synthetic resin material affixed adjacent each end of the metal core in a non-movable manner. The metal core with the spacers is appropriately positioned at the center of each molding space, and a portion of the metal core is secured at a location between the pair of molding spaces. The injection of molding material into the respective molding spaces can be performed in an expedited manner since the injection pressure will neither dislocate the spacers nor the core, and the spacers will subsequently melt and become integral with the molding material since they have been selected to have a melting point equal to or below the molding temperature of the molding material. Thus, the arms are formed, and the metal core is then cut at an intermediate position between each of the molded arms.

This is a relatively crowded field, and a number of skilled engineers and technicians have tried to lower costs because of the highly competitive nature of the toy industry.

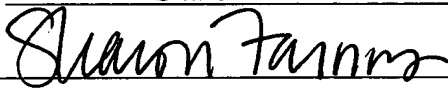
The present inventor has more than adequately advanced the state of art in this field and deserves the recognition of a patent for this improvement.

If the Examiner still maintains the present rejection, it is respectfully requested that a telephone conference be arranged with a person having signatory authority in the United States Patent Office to discuss the presently pending claims.

If the Examiner believes that a telephone interview will be of assistance in the prosecution of this matter, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 22, 2003.

By: Sharon Farnus




Signature

Dated: December 22, 2003

Very truly yours,

SNELL & WILMER L.L.P.



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